

**In The Matter Of:**

*James H. Gorbey, Jr. v.  
Ashland Construction Co., et al.*

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*Vincent Rizzo  
December 30, 2004*

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[1] residential, which I would have to check on  
[2] them records.  
[3] **Q.** My question is do you believe you have  
[4] records that would reflect your Pennsylvania  
[5] clients?  
[6] **A.** I don't understand that question.  
[7] **MR. SMALL:** He doesn't understand,  
[8] Matt.  
[9] **BY MR. CASEY:**  
[10] **Q.** Do you keep records, sir, that if one  
[11] were to search, one would be able to determine  
[12] precisely those clients of yours that hale from  
[13] Pennsylvania?  
[14] **A.** If so, I mean, it's so small, I mean, I  
[15] would not even know. Like I said, there's a  
[16] very little bit amount of work we do in  
[17] Pennsylvania.  
[18] **Q.** My question though, sir, is different  
[19] than, I know you want to tell me it's a small  
[20] amount. I just want to know, first very  
[21] basically, do you believe that documents exist  
[22] that would tell a person, searching for  
[23] documents, relating to Pennsylvania, precisely  
[24] who your Pennsylvania clients are?

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[1] **A.** No, I doubt it. I mean I can, the only  
[2] one I would be able to check would be my  
[3] bookkeeper and see if she can go back that far  
[4] and whatever she could find into it, into my  
[5] file.  
[6] **Q.** What do you mean when you say go back  
[7] that far?  
[8] **A.** I mean, go back a year and see if there  
[9] are documents in there for Pennsylvania, but I  
[10] doubt there would even be, because there's such  
[11] a little amount of work that was done.  
[12] **Q.** I will give you the opportunity now to  
[13] tell me, if you would, in more detail what you  
[14] mean when you say a little amount. Can you  
[15] give me a percentage of your business?  
[16] **A.** Less than one percent.  
[17] **Q.** How much money do you believe your  
[18] company has earned in gross receipts, not  
[19] profit, in gross receipts, from masonry work  
[20] done in the Commonwealth of Pennsylvania?  
[21] **A.** Gosh, four, maybe five thousand, if that  
[22] seven, maybe in that area, that's what the  
[23] amount would be.  
[24] **Q.** Where did your company do work in

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[1] Pennsylvania, where specifically?  
[2] **A.** I mean, we did a couple, actually my  
[3] brother may have done a little bit up there for  
[4] homeowners, a couple small jobs for them.  
[5] That's the extent of it.  
[6] **Q.** When did that occur?  
[7] **A.** I don't even know the dates what it would  
[8] have been.  
[9] **Q.** Did you ever do work in Pennsylvania?  
[10] **A.** Small amounts.  
[11] **Q.** I know it's small amounts. My question  
[12] is, if you would, just listen to my question.  
[13] My question at this point is, did you ever do  
[14] work in Pennsylvania? The answer to that I  
[15] assume is yes?  
[16] **A.** Correct.  
[17] **Q.** When did you last do work in the  
[18] Commonwealth of Pennsylvania?  
[19] **MR. SMALL:** Matt, you want his best  
[20] estimate?  
[21] **BY MR. CASEY:**  
[22] **Q.** Sure.  
[23] **A.** I would say probably six months, seven  
[24] months ago.

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[1] **Q.** Where?  
[2] **A.** Actually Lomax Carpet.  
[3] **Q.** Lomax Carpet in Philadelphia?  
[4] **A.** In Philadelphia.  
[5] **Q.** For whom were you doing work at Lomax  
[6] Carpet in Philadelphia?  
[7] **A.** Actually for, actually John Manger got a  
[8] hold of me and said we need to do a little bit  
[9] of work up in that area.  
[10] **Q.** Who is that person, sir?  
[11] **A.** He is actually Air Base Carpet's  
[12] construction manager.  
[13] **Q.** Can you spell his last name?  
[14] **A.** M A N G E R.  
[15] **Q.** Where does he work out of?  
[16] **A.** As far as if --  
[17] **Q.** If you wanted to find him, where would  
[18] you call?  
[19] **A.** Actually I would call Air Base Carpet in  
[20] New Castle.  
[21] **Q.** And Mr. Manger, who to your  
[22] understanding, works out of the New Castle  
[23] building, called you and told you that he  
[24] wanted you to do some work at the Lomax Carpet